UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/660,709	09/13/2000	Anthony C. Spearman	029560.00002	7002

7590 04/01/2003

Tony D Alexander
McGUIRE WOODS, LLP
901 EAST CARY STRET
ONE JAMES CENTER
RICHMOND, VA 23219-4030

EXAMINER	
NGUYEN, TOAN D	
ART UNIT	**PAPER NUMBER**
2665	11

DATE MAILED: 04/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/660,709	SPEARMAN ET AL.	
	Examiner	Art Unit	
	Toan D Nguyen	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 January 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13 and 15-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *11* is/are allowed.

6)☒ Claim(s) *1-10,12-13, 15-29* is/are rejected.

7)☐ Claim(s) ____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of claim 21 is withdrawn in view of the newly discovered reference(s) to Dynarski et al. (U.S. Patent 6,272,129 B1) and Hampson et al. (U.S. Patent 6,453,371 B1). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6, 8-10, 12-13, 15-20 and 22-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Dynarski et al. (U.S. Patent 6,272,129 B1).

For claims 1-6, 8-10, 12-13, 15-20 and 22-29, Dynarski et al. disclose dynamic allocation of wireless mobile nodes over an Internet protocol (IP) network comprising:

a chassis (figure 2, col. 9 lines 14-20);

at least one network card (col. 9 line 20);

at least one wireless card (col. 9 lines 45-46);

at least one processor (col. 9 line 24);

an operating system, the operating system operably configured in the chassis to control the at least one network card, the at least one wireless card and the at least one processor, which are operatively coupled with the chassis (figure 4, col. 10 lines 28-33);

a packet-switched interface capable of receiving a multiplicity of inbound frame packet-data to provide inbound packets and transmitting a multiplicity of outbound frame packet-data comprising outbound packets (col. 9 lines 43-51);

a channeling controller, coupled to the packet-switched interface that channels the inbound packets based on the inbound address information and that constructs the outbound packets and channels the outbound packets with the outbound address information, the channeling controller capable of being effectively connected to at least one network via the operating system (figure 1A, col. 6 line 6);

an authenticator in operative communication with the operating system to allow authentication at the wireless provisioning device; whereby the user of a mobile computing device connects to the wireless provisioning device without having to access the internet (col. 4 lines 51-67).

4. Claims 7 and 21, are rejected under 35 U.S.C. 103(a) as being unpatentable over Dynarski et al. (U.S. Patent 6,272,129 B1) in view of Hampson et al. (U.S. Patent 6,453,371 B1).

For claims 7 and 21, Dynarski et al. disclose dynamic allocation of wireless mobile nodes over an Internet protocol (IP) network comprising:

a chassis (figure 2, col. 9 lines 14-20);

at least one network card (col. 9 line 20);

at least one wireless card (col. 9 lines 45-46);

at least one processor (col. 9 line 24);

a LINUX operating system, the operating system operably configured in the chassis to control the at least one network card, the at least one wireless card and the at least one processor, (figure 4, col. 10 lines 28-33);

a packet-switched interface capable of receiving a multiplicity of inbound frame packet-data to provide inbound packets and transmitting a multiplicity of outbound frame packet-data comprising outbound packets (col. 9 lines 43-51);

a channeling controller, coupled to the packet-switched interface that channels the inbound packets based on the inbound address information and that constructs the outbound packets and channels the outbound packets with the outbound address information, the channeling controller capable of being effectively connected to at least one network via the operating system (figure 1A, col. 6 line 6).

However, Dynarski et al. do not explicitly disclose a LINUX operating system. In an analogous art, Hampson et al. disclose a LINUX operating system (col. 5 line 59). In claim 21, Dynarski et al. disclose further a 2.4 Ghz antenna operatively coupled with the wireless provisioning device (col. 10 lines 53-54). One skilled in the art would have recognized a LINUX operating system to use the teachings of Hampson et al. in the system of Dynarski et al. Therefore it would have been obvious to one of ordinary skill in the art at the time invention, to use the LINUX operating system as taught by Hampson et al. in Dynarski et al. with the motivation being to use a portable computer (col. 5 lines 59).

5. Claim 11 is allowed.

Reasons For Allowance

6. The following is an examiner's statement of reasons for allowance:

Regarding to claim 11, the prior art fails to teach a combination of the steps of:

at least one wireless provisioning device for receiving, authenticating, transmitting, and directing data over a plurality of networks and capable of sustaining connectivity between the wireless access points and the wireless provisioning device, the wireless provisioning device comprising a chassis, at least one network card, at least one wireless card, at least one processor, and at least one operating system operably configured in the chassis and associated with at least one of the plurality of wireless access points for transmitting and receiving data between the wireless access point and a carrier structure and where the wireless provisioning device is capable of accommodating multiple connections back to the wireless access point without requiring rebooting before a new roaming member can be added to the system, the wireless provisioning device further comprises a directory services member operatively connected to the operating system thereof, which is suitable for maintaining a database directory that stores MAC addresses and billing profiles for those in the system, in the specific combination as recited in claim 11.

Response To Arguments

7. Applicant's arguments filed January 16, 2003 have been fully considered, but are moot in view of new ground(s) of rejection.

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan D Nguyen whose telephone number is 703-305-0140. The examiner can normally be reached on Monday- Friday (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Huy Vu can be reached on 703-308-6602. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.

TN

T.N.

ALPUS H. HSU
PRIMARY EXAMINER